



# NEWS

Judicial Council of California  
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## SUMMARY OF CASES ACCEPTED DURING THE WEEK OF MARCH 12, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-22 Bacigalupo on Habeas Corpus, S079656. Original proceeding. In this case, which is related to the automatic appeal in People v. Bacigalupo, 6 Cal.4th 457, the court issued an order to show cause limited to claims that the prosecution withheld potentially mitigating evidence that may have affected the penalty determination.

#01-23 People v. Reay, S093980. (C030923.) Unpublished opinion. Petition for review after the Court of Appeal affirmed and reversed judgments of conviction of a criminal offense. This case includes the issues (1) whether and to what extent duress is a defense to murder, and (2) whether the evidence in this case called for an instruction on duress as to one defendant.

#01-24 People v. Medina, S094336. (B132682.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Williams, S066106 (#98-21) and People v. Cleveland, S078537 (#99-94) which concerns the propriety of removing a juror for refusing to deliberate and follow the law.

#01-25 People v. Morgan, S094101. (C032328.) Unpublished opinion. Petition  
(over)

for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Cleveland, S078537 (#99-94), which concerns the propriety of removing a juror for refusing to deliberate and follow the law.

#01-26 Waremart, Inc. v. Progressive Campaigns, Inc., S094236. (C034318; 85 Cal.App.4th 679.) Petition for review after the Court of Appeal affirmed a summary judgment in a civil action. The court ordered briefing deferred pending decision in Golden Gateway Center v. Golden Gateway Tenants Assn., S081900 (#99-184), which concerns (1) whether the tenants association of a large residential complex has the right, under the California Constitution, to distribute its newsletter and other leaflets concerning residence in the complex to tenants in the building and, if so, (2) whether a complete prohibition on the distribution of tenants association materials to building residents constitutes an unreasonable time, place, and manner restriction on free speech.

#01-27 People v. Mower, S094490. (F030690; 85 Cal.App.4th 290.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case includes the issue of whether the Compassionate Use Act (Health & Saf. Code, § 11362.5) affords immunity from prosecution or creates an affirmative defense.

#01-28 County of Riverside v. Superior Court, S094675. (E026321; 86 Cal.App.4th 211.) Petition for review after the Court of Appeal denied a petition for a peremptory writ of mandate. This case concerns whether the Public Safety Officers' Procedural Bill of Rights (Gov. Code, §3300 et seq.) gives a probationary peace officer the right to inspect his background investigative file after termination of his employment and, if so, whether the right can be waived and was waived here.

## **DISPOSITION**

#01-12 Nafsu v. Hurd, S094002, was dismissed and remanded to the Court of Appeal following notice of settlement of the action.

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